

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>  <div style="text-align: center;"><b>Plaintiff,</b></div> <div style="text-align: center;"><b>vs.</b></div> <b>JEREMY M. ZIEGLER,</b>  <div style="text-align: center;"><b>Defendant.</b></div>	) ) ) ) ) ) ) ) ) )	<b>CASE NO. 8:10CR156</b>   <b>TENTATIVE FINDINGS</b>
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The Court has received the Presentence Investigation Report (“PSR”) and the Defendant’s objections thereto (Filing No. 31). The government adopted the PSR (Filing No. 28). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

The Defendant’s objections are untimely for the reasons stated in the Court’s previous order (Filing No. 30). Moreover, given the Defendant’s statement that he used P2P software to “share” files (PSR, ¶ 11), it appears that the Defendant’s objection to the 5-level enhancement under U.S.S.G. § 2G2.2(b)(3)(B) lacks merit. The objection is denied.

**IT IS ORDERED:**

1. The Defendant’s objections to the PSR (Filing No. 31) are denied;
2. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

3. Absent submission of the information required by paragraph 2 of this Order, my tentative findings may become final; and

4. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 5<sup>th</sup> day of November, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge